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THE HON'BLE SRI JUSTICE E. DHARMA RAO

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WRIT PETITION NO. 17108 OF 2005

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DATED 03.08.2005

Between:

1. Sri Manthena Mohan Raju, S/o Manthena Bapi Raju, aged about 54 years, Occ. Agriculture R/o Ramanagaram Village, Pitlavaripalem Mandal, Bapatla Taluk, Guntur District and others

Petitioners

and

1. The District Collector, Guntur, Guntur District and others

Respondents

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ORAL ORDER:

Heard both sides.

In this Writ Petition, petitioners are seeking a writ of Mandamus, declaring the impugned proceedings in RC No. 900/2003-D dated 10.5.2005 of the second respondent to the extent of ordering the eviction of the petitioners from their land to an extent of Ac. 1.13 cents each out of Ac. 4.92 cents in S.No. 610/1 situated at Advitakkalapadu Village H/o Peddapalakatur Village, Guntur District without any prior notice, as illegal arbitrary and consequently set aside the same.

When the matter is taken up for admission, the learned Government Pleader for Revenue, took an objection with regard to the maintainability of the Writ Petition, on the ground that an effective and efficacious alternative remedy is provided under Section 4(A) of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 and without availing the same, the petitioner straight away approached this court by way of present Writ Petition, therefore, the Writ Petition is not maintainable.

On the other hand, the learned counsel appearing for the petitioner submitted that in the earlier two writ petitions filed by some other persons, this court while disposing of the writ petitions directed the respondents to issue notice to the petitioners, who approached the court therein, and pass appropriate orders, therefore, the respondents should have given notice to the petitioners.

Considering the facts and circumstances, I deem it appropriate to direct the petitioners to avail the alternative remedy provided under Section 4(A) of the Act, as the issue involved is with regard to possession and title, which can be decided only after going through the records and oral evidence.

Accordingly, the Writ Petition is dismissed. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 3.8.2005

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